

09647019

PTO/PLC Rec'd 26 JAN 2001

Attn: Docket No.: 12525-407001 / MGH 1335.0 Rosenthal

## IN THE UNITED STATES RECEIVING OFFICE

Applicant : Richard P. Harvey et al.  
 Serial No. : 09/647,019  
 Filed : September 26, 2000  
 Title : NOVEL MOLECULES EXPRESSED DURING MUSCLE DEVELOPMENT AND GENETIC SEQUENCES ENCODING THE SAME

## BOX PCT

Commissioner for Patents  
 Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Responsive to the Notification of Missing Requirements under 35 U.S.C. 371 mailed October 26, 2000, Applicants as a large entity submit herewith the following:

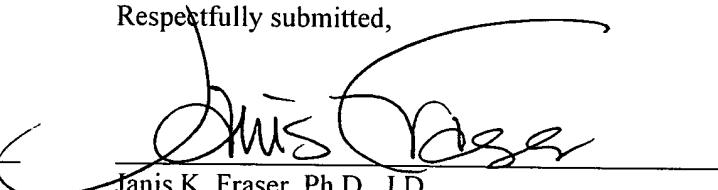
- A check in the total amount of \$130 for payment of the surcharge for late filing of the basic filing fee and/or declaration.
- A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63; and
- Other: Postcard.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

Jan. 26, 2001

  
 Janis K. Fraser, Ph.D., J.D.  
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01/31/2001 MNGUYEN 00000018 09647019

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130.00 DP

## CERTIFICATE OF MAILING BY EXPRESS MAIL

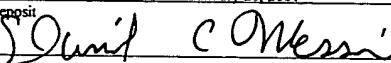
Express Mail Label No. EL485680850US

I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

January 26, 2001

Signature



Typed or Printed Name of Person Signing Certificate





## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

09/847019  
U.S. APPLICATION NO. 10/447,019

HARVEY FIRST NAMED APPLICANT

ATTY/DOCKET NO.

01786-407001

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561 INTERNATIONAL APPLICATION NO.  
PCT/AU95/00220

I.A. FILING DATE PRIORITY DATE

03/26/99 03/27/98

D3/27/98

DATE MAILED:

10/17/00

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494),
- an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.
- Copy of the international application in:
  - a non-English language.
  - English.
- Translation of the international application into English.
- Oath or Declaration of inventors(s) for DO/EO/US.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s) filed **26 SEP 2001** and \_\_\_\_\_
- Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification filed \_\_\_\_\_
- Statement Claiming Small Entity Status.
- Priority Document.
- Copy of the International Search Report  and copies of the references cited therein.
- Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875

FORM PCT/DO/EO/905 (December 1997)

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Action Codes: 101	Month: 10	Year: 2000
Base Date:	10-17-00	
Due Date:	11-17-00	
Deadline:	11-17-00	
Initials:	JRC	

Docketed By Billing Secretary		
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Due Date:	11-17-00	
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